

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NICE SYSTEMS, INC., a Delaware Corporation, and	)
NICE SYSTEMS, LTD., an Israeli Corporation,	)
	)
Plaintiffs,	)
v.	) Civil Action No. 06-311-JJF
	)
WITNESS SYSTEMS, INC, a Delaware Corporation,	)
	)
Defendant.	)

**STIPULATION REGARDING AGREED CLAIM CONSTRUCTION TERMS<sup>1</sup>**

The parties to the above-captioned action, by and through their undersigned counsel, hereby stipulate and agree to the claim construction terms which are attached hereto as Exhibit A.

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Dated: June 25, 2007

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SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
J.

<sup>1</sup> Exhibit A includes and further supplements Part I at p. 1 of the Joint Claim Construction Chart (Claim Construction Agreed To By The Parties) submitted on April 25, 2007, and amended on May 10, 2007 [D.I. 128].

## **EXHIBIT A**

## NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

**I. CLAIM CONSTRUCTION AGREED TO BY THE PARTIES**

NICE Systems Inc. and Witness Systems Inc. agree to the proposed construction for the following claim terms:

Patent	Relevant Claim	Claim Term	Proposed Construction
U.S. No. 5,274,738	Claim 1	a second bus	TDM bus.
U.S. No. 5,396,371	Claim 8	partition	A portion of a random access storage (RAS) device.
U.S. No. 6,249,570	Claims 6 and 7	lifetime of the telephone call	An entire telephone call.
U.S. No. 6,249,570	Claim 7	Realtime link	A data link providing data regarding telephony event during the call at the occurrence of each telephony event.
U.S. No. 6,249,570	Claims 6 and 7	telephone call segments	Portions of a telephone call that are each bounded by telephony events.
U.S. No. 6,249,570	Claims 6 and 7	telephone call segment	Portion of a telephone call that is bounded by telephony events.
U.S. No. 6,728,345	Claims 14 and 40	lifetime of a telephone call	An entire telephone call.
U.S. No. 6,728,345	Claim 40	participant	An entity that is involved in a phone call which can include people, voice response units or placeholders from parties being placed on hold.
U.S. No. 6,728,345	Claims 14 and 40	telephone call segments	Portions of a telephone call that are each bounded by telephony events.
U.S. No. 6,728,345	Claims 14 and 40	telephone call segment	Portion of a telephone call that is bounded by telephony events.
U.S. No. 6,785,370	Claims 1 and 27	lifetimes of telephone calls	Two or more entire telephone calls.
U.S. No. 6,959,079	Claim 5	evaluator	A component used to design evaluation forms.
U.S. No. 6,959,079	Claim 6	automated evaluations	Evaluations performed by predefined programming.
U.S. No. 7,010,109	Claim 1	communication device	A device used for transmitting and/or receiving audio and/or video information.

## NICE v. Witness, Civil Action No. 06-311-JJF (D. Del.)

Patent	Relevant Claim	Claim Term	Proposed Construction
U.S. No. 7,010,109	Claim 1	conference call	A multi-participant session even if only two participants are present, one of which is a recording device
U.S. No. 7,010,109	Claim 1	participant	A communication device or recording device which is present on a conference call.
U.S. No. 7,010,109	Claims 16 and 29	hunt group	Any type of virtual or non-fixed telephone extension systems, in which a central control unit determines the physical extension which is used.

## Terms the Parties Have Agreed Do Not Require Construction After the Filing of the Amended Joint Claim Construction Chart

Patent	Relevant Claim	Claim Term
U.S. No. 6,775,372	Claim 1	wherein at least two stages of the system are physically separable and in operation can be located wide distances apart